IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1297 OF 2007
IN
SUIT NO.1373 OF 1975

A.E. Golwala ....Plaintiff
V/s.
A.R. Shah & Ors. ....Defendants
And
The Court Receiver, .
High Court, Bombay ....Court Receiver
And
Commissioner for Taking Accounts

Mr.Sabir i/b N.K. Sabir & Co. for the Plaintiff.
Mr.N.R. Modi i/b M/s.Rustamji & Ginwala for the Defendants.

WITH

CHAMBER SUMMONS NO.1298 OF 2007
IN
SUIT NO.1689 OF 1976

A.R. Shah & Ors. ....Plaintiffs
V/s.
A.E. Golwala & Ors. ....Defendants
And
The Court Receiver, .
High Court, Bombay ....Court Receiver
And
Commissioner for Taking Accounts

Mr.N.R. Modi i/b M/s.Rustamji & Ginwala for the Plaintiffs.
Mr.Sabir i/b N.K. Sabir & Co. for the Defendants.

CORAM : S.J. VAZIFDAR, J.
DATED : 21ST AUGUST, 2007.

P.C. :

1. The Chamber Summons is placed on board and called out for hearing.

2. That the property is to be sold, cannot be disputed in view of the order of this Court. There is no dispute that the Receiver's cost be defrayed from the amounts lying with the Court Receiver. Nor is there any serious dispute that the property be sold on is as is where is basis. Both the Chamber Summons must be allowed.

3. It is however, contented on behalf of the Defendants in Suit No.1689 of 1976 i.e. the Plaintiff in Suit No.1373 of 1975 that certain items are missing and that the Plaintiffs are responsible for remaining items having deteriorated. It is clarified that this order is without prejudice to all the rights and contentions of the parties in this regard.

4. In the circumstances, both the Chamber Summons are made absolute in terms of prayers (a), (b) and (c) subject to above clarification.

. All parties including the Court Receiver to

act on an ordinary copy of this order duly authenticated by the Private Secretary/Associate of this Court.